

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

AARON REZNECHEK

Debtor

Bankruptcy Case #09-46275 RJK
Chapter 13

**NOTICE OF HEARING AND
MOTION FOR DISMISSAL**

Kyle L. Carlson, Chapter 13 Trustee, hereby moves to dismiss the above-entitled chapter 13 case.

1. The court will hold a hearing on this motion at 10:00 a.m. on August 18, 2011 in Courtroom 8 – West 8th Floor, 300 South 4th Street, Minneapolis, Minnesota, 55415.
2. Any response to this motion must be filed and delivered not later than 10:00 a.m. on August 13, 2011, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
3. The debtor commenced this case by filing a voluntary chapter 13 petition on September 22, 2009. This case is pending before this court.
4. The court has jurisdiction pursuant to 28 U.S.C. § § 157 and 1334. This motion is brought pursuant to 11 U.S.C. §1307, Bankruptcy Rule 1017 and Local Rule 1017.
5. As of this date, the trustee does not have a copy of the debtor's 2010 tax returns. Without copies of the debtor's state and federal income tax returns, the trustee is unable to determine if, in fact, all disposable income has been turned over to the trustee to the benefit of the unsecured creditors.

WHEREFORE, the trustee requests an order as follows:

- (A) Dismissing the above entitled chapter 13 case; and
- (B) Granting any other relief the court deems just and proper.

Dated: July 28, 2011

/s/ Kyle L. Carlson

Kyle L. Carlson, Standing Trustee
PO Box 519
Barnesville, MN 56514
(218) 354-7356

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The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Hearing and Trustee's Motion to Dismiss
and Unsworn Declaration of Proof of Service

UPON EACH OF THE ENTITIES NAMED BELOW, BY MAIL (UNLESS OTHERWISE INDICATED BELOW) BY MAILING TO EACH OF THEM A COPY THEREOF BY ENCLOSING SAME IN AN ENVELOPE WITH FIRST CLASS MAIL POSTAGE PREPAID, AND DEPOSITING SAME IN THE POST OFFICE AT BARNESVILLE, MINNESOTA, ADDRESSED TO EACH OF THEM AS FOLLOWS:

DEBTOR:

**AARON D. REZNECHEK
1212 17TH ST S
SARTELL, MN 56377**

AND DELIVERED BY E-MAIL NOTIFICATIONS UNDER CM/ECF ON THE DAY E-FILED WITH THE COURT TO EACH ENTITY BELOW:

DEBTOR'S ATTORNEY:

**SAM CALVERT
SAM V CALVERT ATTORNEY AT LAW**

RECOVERY MANAGEMENT SYSTEMS CORP

**U.S. BANK NATIONAL ASSOCIATION
JAMES A. GESKE
WILFORD & GESKE**

UNITED STATES TRUSTEE

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: July 28, 2011

/e/ Patricia Halverson
Patricia Halverson
Chapter 13 Office